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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,202	10/05/1999	IRA A. GERSON	04776.81656	9333

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EXAMINER

CHAWAN, VIJAY B

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 07/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/412,202

Applicant(s)

GERSON, IRA A.

Examiner

Vijay B. Chawan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Nguyen (5,765,130).

As per claim 1, Nguyen teaches a method for processing an input speech signal during presentation of an output audio signal, the method comprising the steps of:

detecting a start of the input speech signal; detecting, relative to the output audio signal, an input start time of the input speech signal; and, providing the input start time for use in responding to the input speech signal (abstract).

As per claim 2, Nguyen teaches the method of claim 1, wherein the input start time comprises any of a time stamp relative to a temporal context of the output audio signal, a sample index relative to a sample context of the output audio

signal, and a frame index relative to a frame context of the output audio signal (Col.1, lines 54-67, Col.2, line 35 – Col.3, line 53).

As per claim 3, Nguyen teaches a computer readable medium having computer executable instructions for performing the method of claim 1 (Col.7, lines 14-17).

Claims 4-5 are method claims similar in scope and content of method claims 1-3 and are rejected under similar rationale.

As per claim 6, Nguyen teaches a method for processing input speech signal, comprising the steps of: detecting a start of the input speech signal during presentation of the output signal; determining, relative to the output audio signal, an input start time of the start of the input speech signal; and, providing the input start time to the speech server as control parameter (abstract, Col.2, line 35 – Col.3, line 53).

As per claims 7-12, Nguyen teaches receiving at least one information signal from the speech recognition server based at least in part upon the input start time; determining the input start time no earlier than a start of the output audio signal and no later than a start of a subsequent output audio signal; wherein the input start time comprises any of a time stamp relative to a temporal context of the output audio signal, a sample index relative to a sample context of the output audio signal, and a frame index relative to a frame context of the output audio signal; the output audio signal comprises a speech signal provided by the infrastructure; and a

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speech signal synthesized by the subscriber unit in response to control signaling provided by the infrastructure; and, analyzing the input speech signal to provide a parameterized speech signal; receiving at least one information signal from the speech recognition server based at least in part upon the input start time and the parameterized speech signal (abstract, Col.2, line 35 – Col.3, line 53, Col.6, line 31 – Col.7, line 17).

Claims 13- 17 are method claims similar in scope and content of method claims 6-12 and are rejected under similar rationale.

Claims 18-30 are method claims similar in scope and content of method claims 6-12 and are rejected under similar rationale.

Claims 31-55 are apparatus claims implement the method claimed in claims 6-12, and are similar in scope and content of method claims 6-12 and are rejected under similar rationale.

Response to Arguments

3. Applicant's arguments filed 5/6/2002 have been fully considered but they are not persuasive. Applicant argues that Nguyen does not determine an input start time relative to the output audio signal. Examiner disagrees. Nguyen does teach "echo cancellation" to detect input start time relative to the output audio signal (Col.1, lines 54-67).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (703) 305-3836. The examiner can normally be reached on Monday Through Thursday 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Vijay B. Chawan
Primary Examiner
Art Unit 2654

Vijay B. Chawan 7/15/02
VIJAY CHAWAN
PRIMARY EXAMINER

vbc
July 15, 2002